

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOEL FINNEY,)
)
Petitioner)
)
vs.) Civil Action No. 05-593
) Judge Gary L. Lancaster/
FRANKLIN J. TENNIS; ALBERT) Magistrate Judge Amy Reynolds Hay
DUDASH, D.A., The District Attorney)
of Beaver Co.; THE ATTORNEY)
GENERAL OF THE STATE OF)
PENNSYLVANIA,)
Respondents)

ORDER

AND NOW, this 6th day of April, 2006, after the petitioner,

Joel Finney, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

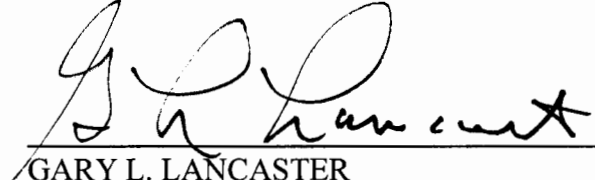
IT IS HEREBY ORDERED that to the extent that Petitioner is attacking his 1996 convictions for Rape and related charges his Petition for Writ of Habeas corpus is dismissed as untimely;

IT IS FURTHER ORDERED that to the extent that Petition is attacking the computation of his criminal sentences his Petition is dismissed without prejudice for failure to

have exhausted his available state court remedies;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff/defendant desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Joel Finney
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